

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES AVIATION
UNDERWRITERS, INC.,
a New York corporation,
Individually and on behalf of United States
Aircraft Insurance Group,

Plaintiff,

v.

TS CORPORATION f/k/a TEIJIN SEIKI
COMPANY, LTD., a Japanese corporation; *et al.*

Defendants.

CASE NO. C05-0899

ORDER GRANTING PLAINTIFF'S
MOTION FOR LEAVE TO EFFECT
SERVICE OF PROCESS

This matter has come before the Court on Plaintiff's Motion for Leave to Effect Service of Process, Pursuant to Rule 4(f)(3) and (h)(2) of the Federal Rules of Civil Procedure ("FRCP") (Dkt. No. 7). Plaintiff seeks the Court's permission to serve the Japanese Defendant by one or more of the following methods: 1) international certified mail, return receipt requested; 2) fax; 3) email; and 4) Federal Express overnight courier. Having carefully reviewed the Plaintiff's motion, the Court hereby finds and rules as follows:

To the extent that it applies, the Hague Convention controls the validity of international service of process. FRCP 4(f)(3) provides that the Court may direct alternative means of international service not

1 prohibited by international agreement, and Article 10(a) of the Hague Convention permits international
2 service via postal channels so long as the method of service is affirmatively authorized by the forum state
3 and not objected to by the destination state. FRCP 4(h)(2) provides for service in accordance with FRCP
4 4(f)(2)(C)(ii), which authorizes service by “any form of mail requiring a signed receipt, to be addressed
5 and dispatched by the clerk of the court to the party to be served.” Japan has never objected to the use of
6 international certified mail to effect service for the purposes of U.S. law. *See, e.g., Schiffer v. Mazda*
7 *Motor Corp.*, 192 F.R.D. 335, 338-339 (N. D. Ga. 2000) (holding that service of process on a Japanese
8 corporation by registered mail was permissible pursuant to Article 10(a) of the Hague Convention).
9 Accordingly, the Court hereby **GRANTS** Plaintiff’s motion as follows. The Clerk of the Court shall
10 effect service upon Defendant TS Corporation f/k/a Teijin Seiki Company, Ltd., by addressing and
11 dispatching a copy of the complaint and summons by certified international mail, return receipt requested.

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13 SO ORDERED this 1st day of July, 2005.

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16 UNITED STATES DISTRICT JUDGE
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